

**SOUTHERN AREA COMMITTEE 24 FEBRUARY 2005
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

Planslist
Item No.

**1. S/2004/2481 - DEVELOPMENT OF THREE RESIDENTIAL UNITS IN GROUNDS OF
THROGMORTON HALL ,PORTWAY, OLD SARUM SP4 6BN**

Letter and plan from agent – Letter attached in full –(Appendix 1)
Letter from Old Sarum Airfield – Attached in full – (Appendix 2)

2 Letters from Third Party – Letters Attached in full. Members should also note that one of the letters was accompanied by an additional comment sheet, which urged members to consider the safety aspects of the existing vehicular access onto the portway.- (Appendix 3, 4)

HDS NOTES

Members should note that the final suggestion made by the airfield regarding the lopping of the trees would be difficult to attach as a condition to any planning permission as the restriction on the height of trees (which are not development) would be difficult to enforce. Furthermore, whether or not members approve the development of this land, the trees would remain. Therefore a restriction on the height of the trees would also not be linked directly to the development of the site, making such a condition unnecessary.

With regards the letters and comments from the Third Party's, the Council's EHO has reiterated that he considers the survey undertaken for the Council regarding noise issues around the airfield was still robust and to his knowledge there has been no significant increase in flying activities. Indeed, the EHO has commented that in his opinion, the actual noise from the aircraft is perhaps quieter now than they were as some of the noisier aircraft that were frequenting the airfield in the late 1990's are no longer using the airfield. He has again reiterated that the safety issues are not an issue on which he can comment.

The case officer has spoken directly to Lesley Maynard (the manager of old sarum airfield) with regards the changes in aircraft usage of the airfield since the late 1990's (when the original noise survey was done). She has confirmed verbally that there has been a 3 to 5 percent maximum increase per annum in aircraft use.

The EHO remains doubtful that there has been a significant increase in aircraft rates since the original report was commissioned.

Taking into account the comments of the various third parties, the CAA, the airfield, the EHO, and the fact that a previous 2002 application for 5 dwellings was not refused on either noise or safety grounds, it is officers advice that a refusal based on the noise and safety impacts of this scheme for 3 dwellings would be difficult to support on any subsequent appeal which may be lodged by the applicant.

**2. S/2004/2730 DEMOLITION OF DWELLING AND REPLACEMENT WITH TWO DETACHED
DWELLINGS INCLUDING ALTERATIONS TO FORM NEW ACCESS AT NANT PERIS, LYNDBURST
ROAD, LANDFORD, SP5 2AF**

1. Letter from objector, on grounds of two dwellings would increase flooding issues in Lyndhurst Road, dwellings should be bungalows and not two storey, highway safety from increased traffic using site, development of larger dwellings would not enhance qualities of the village.

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2. Letter from the Applicant raising the following points:

i) Comments regarding points raised by the Parish Council. These points are covered in the officer's report. Also included is a separate letter from the Environment Agency which identifies the site as being outside the scope of the Agency's advice. Issue of surface water has been dealt with by condition.

ii) Applicant considers it inappropriate to apply Policy HA4.

iii) Objection to Condition requiring single storey dwellings on grounds of loss of light and overlooking. These matters should be dealt with by condition. Common Road, Whiteparish given as an example.

iv) Request Condition for Dwelling 1 to prevent insertion of windows in southern elevation, and for Dwelling 2 to prevent insertion of windows on north elevation, except where they are direct glazed with obscure glass.

v) Object to removal of rooflights under permitted development

Note from HDS

i) Policy HA4 is applicable to all proposals for replacement dwellings in the New Forest Heritage Area.

ii) The application raised new concerns from neighbours regarding potential overlooking and loss of light, and the condition was considered appropriate for this reason, to ensure that development complies with Policy G2. However, the applicant would still be in a position to apply for a removal of that condition at the full planning stage, subject to acceptability of elevations in respect of light and overlooking. It is not considered that ODPM's guidelines on density apply to this site, as it is too small.

iii) The removal of rooflights was required by Condition in an effort to ensure undue overlooking of neighbouring properties does not take place. This condition is common at outline stage for new dwellings, where the LPA considers insertion of a rooflight in a bedroom or bathroom would enable overlooking to take place. In the absence of full details of the proposal, positions of windows and layout of rooms in relation to adjoining properties, this condition is considered entirely appropriate.

Following legal advice, a number of conditions contained within the officer report need to be changed thus:

Condition 06 should end thus: "The development shall be constructed as agreed prior to the first occupation of the dwellings, unless otherwise agreed in writing by the Local Planning Authority".

Condition 07 should read: "Following the first occupation of the dwellings, the access shall remain ungated thereafter"

Condition 11 should end thus: "...approved scheme, prior to the first occupation of the dwellings, unless otherwise agreed in writing by the Local Planning Authority".

Appendices (4)

Salisbury District Planning Department	
Rec.	14 FEB 2005
Acknowledged	B.S.
Copy to	
Action	R.H.

1050rb/rdb

Date: 11th February 2005

Mr R Hughes
Principal Planning Officer
Planning Department
Salisbury District Council
61 Wyndham Road
Salisbury
SP1 3AH

Dear Sirs,

04/2481 - Proposals adjacent to Throgmorton Hall, Salisbury

I refer to your letter dated 27th January and our subsequent telephone conversations regarding various concerns expressed by Committee Members.

Our clients have no knowledge that the site has ever been designated or used as a crash zone for the nearby airfield. Indeed the Old Sarum Flying Club have made no such claim and have advised in their consultation that "the proposed development does not infringe the physical criteria required by the CAA..." Additionally the abundance of mature trees around the site would deter such a use.

I can confirm that the vehicular access leading from the application site to the main road is within the applicant's ownership. I enclose four copies of my revised site plan 1050-03B which indicates this access in red and shows in blue shading the remaining areas within their ownership. These details have been taken directly from the deed plan supplied by our clients. Our clients also have legal rights to access and connect to the various services. I can therefore confirm that there is no requirement to serve notice on any other parties.

I have discussed the issue of garden areas and communal land within the application site. The land within the ownership of Unit 1 would be clearly defined by the screen hedge indicated on the site plan. Our client proposes that the garden areas of Units 2 and 3 would be defined by a 3ft post and wire fence positioned some 5m from the rear of each unit extending to the drive in each direction. Maintenance of the remaining communal land will be the responsibility of the three proposed units. No

responsibility will extend to the occupants of Throgmorton Hall and they will have no access to this land.

I note the comments made in regard to access and use of facilities in the adjoining Throgmorton Hall. To avoid confusion our clients will withdraw the use of these facilities to future occupants of the proposed dwellings.

I trust the above will answer any concerns expressed by the committee if however you require any further information please do not hesitate to contact me.

Yours sincerely



Robert D Boulton MBIAT

APPENDIX 2.

**Megastream Ltd T/A
Old Sarum Flying Club**
Hangar 3
Old Sarum Airfield
Old Sarum, Salisbury,
Wiltshire SP4 6DZ

Yr. Ref: s/04/2481

Mr. R. Hughes,
Principal Planning Officer,
Planning Office,
Salisbury District Council,
61 Wyndham Road,
Salisbury SP1 3AH

11th February 2005

Dear Sirs,

Re: Current Application Adjacent Throgmorton Hall for 3 Dwellings - Aircraft Safety Issues

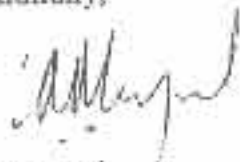
The previous correspondence from the Airfield addresses all the points that we wish to make regarding the above application.

To summarise:

- The development will not infringe the physical criteria needed to maintain the Aerodrome Licence. However the terms of the Aerodrome Licence do require the Aerodrome Manager to ensure the safe operation of aircraft on the ground and in the air. The proposed development would be very close to the take-off and approach paths of aircraft using the airfield. Clearly there is a reduced safety margin for both aircraft and persons or structures on the ground.
- The proposed development in its proximity to the airfield would be subject to aircraft noise particularly on take-off.
- If the development is approved by the Committee the Airfield would welcome a height restriction on the trees which could easily infringe the Licensing criteria in just a few years time. A height limit of 20ft would both screen the development and protect the take-off and approach paths.

If approved we request that this is a condition of the consent.

Yours faithfully,



Lesley Maynard
Managing Director

info@oldsarumflyingclub.co.uk

Tel: 01722 322525 Fax: 01722 323704

www.oldsarumflyingclub.co.uk



Old Sarum Flying Club

Appendix 3

7, Throgmorton Hall,
Portway,
Old Sarum,
Salisbury,
Wiltshire, SP4 6BQ
Tel/Fax 01722 340 657

e-mail <bill. Richardson@virgin.net>

19/2/2005

Stephen Thorne,
Head of Development Services,
Planning Office,
Salisbury District Council,
61 Wyndham Road,
Salisbury, SP1 3AH.

Yr Ref: ST/SA-17/02/2005

Dear Mr Thorne,

Town & Country Planning act 1990

Proposal: Full application - Development of three Residential units in grounds of:
Location: Throgmorton Hall, Portway, Old Sarum, Salisbury (Parish of Lave)

Thank you for your letter of the 17/2/2005. I am discouraged that the above planning application still appears to be for 3 residential units/garages when I was led to believe by the Developer and his Agent that the only development that would be applied for would be for single storey dwellings. (Some Owners allegedly have this in writing from the developers/Agents)

However, my main comment at this stage of the proposed development, remains related to the intended access and additionally to the wisdom of agreeing to any new development in this area. It implies that any new development should be accessed through Throgmorton Hall as opposed to the more practical access, namely Green Lane. The application also raises serious Health & Safety problems.

Throgmorton Hall is a self contained development with a high degree of security and safety. Allowing increased traffic to enter by way of Throgmorton Hall will have the following very serious consequences.

1. Create a very real possibility of traffic danger within the grounds of Throgmorton Hall, not least because there are young children and elderly people resident.
2. Throgmorton Hall would no longer be self contained and many residents would face danger gaining access to their garages and recreational areas, to say nothing of the children's playground and the tennis courts. (All wholly private to existing Throgmorton Hall residents) **Not as inferred by the application open to any new Buildings occupants.**

B.C.
R.H.
2004
2481

- 3 There are electronic gates at the access to Throgmorton Hall at the Main road ie: The Portway. Traffic already travels at excessive speeds along the Portway. To allow an increase in the number of vehicles gaining access to Throgmorton Hall, as a result of the construction envisaged, as well as the eventual occupation of any new development, will result in the very real possibility of several vehicles waiting for and backing up into the Portway, waiting for the electronic gates to open. The possibility of additional traffic arising from the possible future building envisaged to the North of the Portway should also be taken into account

This access danger was a contributory factor in the Council refusing earlier planning permissions to this applicant.

Additionally the suggestions made by the applicant to pay for and adopt safety measures ie warning notices on the Portway are of course wholly inadequate.

4. Throgmorton Hall being self contained, provides considerable security to its residents (Perhaps one of the most compelling reasons for their choice of this domicile) This security would be seriously degraded.
5. Traffic accessing any new development through the grounds of Throgmorton Hall will cause considerable noise and other pollution to the detriment of the residents of Throgmorton Hall during construction and thereafter.
6. May I suggest that Green Lane would be a far more practical access to any new development being a two lane highway. For some considerable time this has been an established, substantially wide entrance into the area of the proposed development, dating back to the days when the area was Ministry of Defence property. This access can also be available should there be a need for emergency vehicles to gain access to the area.
7. Lastly, there remains a very real danger, should there be a tragic accident by aircraft taking off or landing over this proposed development, that the Council as a whole and as individuals would be held legally responsible should they be seen to have approved development in this area, Heaven forbid that there should ever be such an incident.

One must also enquire, in view of the most recent accidents involving light aircraft ie: one originating from Old Sarum and one at Bournemouth airport (There were fatalities in the latter) What action has been taken by the Council to undertake a Proper Risk Assessment? This latter assessment would seem essential before considering this application.

The noise from over flying of the envisaged area during busy flying days and summer weekends is considerable bearing in mind that the summer weather tends to favour taking off in a North Easterly direction ie 060 Noise is therefore a factor of concern to those living in Throgmorton Hall or to those whose houses might be built immediately under the take off and

landing patterns. (It can be in excess of 500 take offs and landings per day)

Thus, Health and safety thus becomes a very important factor in assessing The suitability of this application. What action has been taken to undertake a further noise assessment on the busy summers days when anti-cyclonic conditions apply

It is worth repeating that the facilities ie tennis courts, childrens playground etc, are solely for the use of the existing Owaers/residents of Throgmorton Hall alone.

I submit Sir, that this application should once again be denied,

I have the honour to be Sir,

Yours faithfully,

W. Richardson.

W.J.H.Richardson.

23/11/2017

Appendix 4.

Gordon J Sapstead
10 Throgmorton Hall
Old Sarum
Salisbury SP4 6BQ Wilts.
Telephone 01722 421438

LCS

21 February 2005

Head of Development Services
Salisbury District Council
Planning Office
61 Wyndham Road
Salisbury SP1 3AI

For attention Mr Richard Hughes - Case Officer

Your Reference S/2004/2481

B.C

RH

Dear Sir

Proposal: Full Application Development of three residential Units on site adjacent to Throgmorton Hall.

Location: Site adjacent to Throgmorton Hall, Portway, Old Sarum, Salisbury

I have received a notification that the above application will be considered by the Southern Area Planning Committee of 24 February and inviting further representations on the matter if appropriate.

Since making my detailed comments in my letter of 13 December 2004 I have been in touch with the Deputy Prime Minister's office (Planning) to ascertain what degree of risk can be comfortably assumed by Planner's (to avoid bringing the system to a grinding halt). I explained the noise and safety risks surrounding the Application under reference and was told these were such that could not be dismissed lightly. Further that if the Application were to be approved in the absence of careful examination of the risks the only action that could be taken would be to apply for a Judicial Review and let the Court decide the merits of the case.

The purpose of this letter therefore is to urge upon you the necessity for you to commission an **up to date Noise Survey**, properly conducted by Environment in conjunction with Old Sarum Aerodrome (who provide full details of aircraft movements over an extended period including that of the review) - the survey conducted in 1997 being patently out of date. Also to conduct a detailed Risk survey to determine the risks, posed by an aircraft accident within the area covered by the Emergency Plan developed by Old Sarum Aerodrome, to:

- a) residents of the proposed development.
- b) pilot / passengers of any crashed aircraft inhibiting their timely rescue because the existing "Crash Gates" giving access to the area had been permanently blocked.
- c) members of the Emergency services if their easy access to the area were to be closed off. With a crash there is always risk of conflagration and the later the Emergency Services arrive on the scene the worse that conflagration could be, thereby posing an unnecessary risk to personnel and this would be of concern to the Health and Safety Executive in London.

Yours sincerely

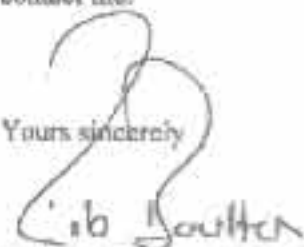
Gordon J Sapstead
Gordon J Sapstead

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I trust the above will answer any concerns expressed by the committee if however you require any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Rob Boulton', written over the 'Yours sincerely' text.

Robert D Boulton MBAT